Amendments to Claims

Please amend the claims as follows:

1. (cancelled)
2. (cancelled)
3. (cancelled)
4. (cancelled)
5. (cancelled)
6. (cancelled)
7. (cancelled)
8. (cancelled)
9. (cancelled)
10. (cancelled)
11. (cancelled)
12. (cancelled)
13. (cancelled)
14. (cancelled)
15. (cancelled)
16. (cancelled)
17. (cancelled)
18. (cancelled)
19. (cancelled)
20. (cancelled)
21. (cancelled)
22. (cancelled)
23. (cancelled)
24. (cancelled)
25. (cancelled)
26. (cancelled)
27. (cancelled)
28. (cancelled)
29. (cancelled)
30. (cancelled)

31. (cancelled)
32. (cancelled)
33. (cancelled)
34. (cancelled)
35. (cancelled)
36. (cancelled)
37. (cancelled)
38. (cancelled)
39. (cancelled)
40. (cancelled)
41. (cancelled)
42. (cancelled)
43. (cancelled)
44. (cancelled)
45. (cancelled)
46. (cancelled)
47. (currently amended) A device for making a barrier against spread of fire across an opening at the top of an interior wall of a building, comprising ,in combination; (i) a longitudinally extending track having a generally elongate body ~~having~~ and an "H"-shaped cross-sectional profile, said track further having an upwardly extending pair of flanges and a downwardly extending pair of flanges defining ,respectively ,upper and lower longitudinally extending channels, said track further having a longitudinally extending separating wall member separating said upper and lower channels , said wall member having a plurality of openings located periodically along its longitudinal extension,~~said profile having a channel operative for retaining a molding barrier bag filled with firestop material against a building surface~~; and (ii) a molding barrier bag operative to be filled with a firestop material and positioned in and along the longitudinal extent of said upper channel, said bag having crinkles or pleats operative as compartments to permit expansion of said bag when filled with firestop material and further having a plurality of fitments extending through said openings of said wall member operative to admit firestop material to the interior of said bag.
48. (cancelled)

49. (cancelled)
50. (cancelled)
51. (cancelled)
52. (cancelled)
53. (currently amended) The device of claim ~~52~~ 47 wherein said track is formed from one sheet of metal.
54. (cancelled)
55. (currently amended) The device of claim ~~54~~ 47 ~~further comprising~~ wherein said track has a plurality of additional openings located periodically along the length of said elongate body, proximate to said upwardly extending flanges, to permit visual inspection of said molding barrier bag when said bag is filled with firestop material.
56. (previously presented) The device of claim 47 wherein said track is formed from one sheet of metal, said track comprising an H-shaped cross-sectional profile with a pair of flanges for attaching said device to a building surface, said flanges being connected to outer vertical walls of said H-shaped profile, which outer vertical walls in turn are connected respectively to inner lower vertical walls which in turn are connected to each other by a connecting wall member that is perpendicular with respect to said outer and inner vertical walls, thereby generally defining an "H"-shaped cross-sectional profile having said flanges.
57. (cancelled)
58. (cancelled)
59. (currently amended) A method for making a barrier~~,~~ against the spread of fire across a surface of a building comprising: attaching to ~~a building~~ such surface the device of claim 47, ~~whereby~~ in a manner such that said upper channel of said track containing said molding barrier bag is ~~contained within said channel against said building surface.~~ positioned towards said building surface ,and thereafter firestop material is introduced into said bag through said fitments to expand said bag and provide said barrier.
60. (currently amended) The method of claim 59 further comprising ~~filling said molding barrier bag with a firestop material, and~~ assembling wall studs connected to said track.

61. (previously presented) The method of claim 60 further comprising attaching at least one wall board to said wall studs, whereby a portion of said at least one wall board is allowed to move with respect to said molding barrier bag retained within said track.

62. (currently amended) The ~~device~~ method of claim ~~47~~ 59 ~~having~~ wherein said track has additionally a pair of flanges for attaching said H-shaped cross-sectional profile against ~~a~~ the building surface, ~~a molding barrier bag contained in an upper channel of said track, said molding barrier bag located within a channel in said H-shaped device and filled with firestop material,~~ and a plurality of wall studs is assembled beneath and connected to said H-shaped profile, and at least one wall board is attached to some of said wall studs and located alongside said track, said wall board being operative to move with thermal cycling with respect to portions of said track.

63. (cancelled)

64. (cancelled)

65. (cancelled)

66. (cancelled)

67. (new) The device of claim 47 wherein said fitments have means to secure said bag to said separating wall member.

68. (new) The device of claim 67 wherein, said means comprise one or more detents formed in said fitments which engage said wall member when said fitments are inserted in said opening and thereby prevent said fitments from being removed from said openings in said wall member.

69. (new) The device of claim 47 wherein said fitments have one-way valve means positioned at the entrance of said fitments to said bag, said valve means allowing firestop material to enter said bag but acting to prevent said material from flowing back out of said bag.